

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

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| <b>Derek Szmyt,</b><br>Plaintiff,<br><br>v.<br><b>Kilolo Kijakazi,</b> Acting<br>Commissioner of Social Security,<br>Defendant, | Civil Action No.<br><br><b>BNC No.: 21OO364F29024</b><br><br><b>Complaint Requesting Review of An<br/>Administrative Decision Under<br/>The Social Security Act</b> |
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Comes now, Derek Szmyt, hereinafter referred to as the plaintiff, and brings this action against the Social Security Administration, for the United States of America, hereinafter referred to as the defendant, and respectfully shows the following:

**1.**

Plaintiff is a citizen of the United States of America residing in the County of Gwinnett, State of Georgia.

**2.**

This proceeding is brought to review the decision of the Social Security Administration denying the claim of the plaintiff for disability benefits under the Social Security Act.

**3.**

The plaintiff filed with his local district office of the Social Security

Administration, an application for disability benefits under the Social Security Act, which application was denied initially, on reconsideration and after a hearing. The Appeals Council did not disturb the decision of the Administrative Law Judge, making the Administrative Law Judge decision the final decision of the Commissioner.

**4.**

The issue in dispute is whether the decision of the defendant that plaintiff is not entitled to disability benefits under the Social Security Act is legally correct and is supported by substantial evidence.

**5.**

The conclusions of law and findings of fact rendered by the defendant are unsupported by substantial evidence, are based on the incorrect application of legal principles and the application of incorrect legal principles, and are, therefore, not conclusive.

**6.**

Plaintiff respectfully submits to the Court that he is entitled to the benefits for which he applied because he meets all of the requirements as to disability set out in the Social Security Act.

WHEREFORE, plaintiff prays that the Commissioner, Social Security Administration for the United States of America, defendant herein, be required to answer this complaint and to file a certified copy of the transcript including the evidence upon which the said findings and the decision of the Administrative Law Judge are based and the said decision of the Appeals Council is based; that the decision of the defendant be reviewed, reversed and set aside and the claim for benefits be allowed; that the Social Security Administration be required to make payment of the claim of the plaintiff; that Plaintiff's attorney be awarded reasonable attorney's fees and that the defendant be ordered to pay said fees out of the past due benefits of the plaintiff; that the defendant be ordered to pay to plaintiff's attorney reasonable attorney's fees under the Equal Access to Justice Act; and that plaintiff have such other and further relief as is just and proper.

Respectfully submitted on the 25th day of August, 2023.

/s/George C Piemonte

George C. Piemonte

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Attorney for Plaintiff

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